



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

# BOOK REVIEWS.

G. FORREST BUTTERWORTH, JR., *Editor-in-Charge.*

THE ADMINISTRATION OF JUSTICE IN CRIMINAL MATTERS (IN ENGLAND AND WALES). By G. GLOVER ALEXANDER, M.A., LL.M., of the Inner Temple, Barrister at Law. Cambridge: THE UNIVERSITY PRESS. 1915. pp. x, 235.

This book is a reprint and enlargement of an earlier volume published as one of the Cambridge Manuals of Science and Literature. It is "intended to serve as a first book for newly appointed Justices of the Peace, superior police officers, and law students," but it is also intended as a book for the general reader who is interested in law and the problems of government. The book is a masterly presentation of the workings of the criminal law and procedure of England and Wales. The author begins by a chapter on the work of justices of the peace, and sets forth in detail the structure and procedure of the courts held by such justices. This chapter brings out in a striking way the importance of the justice of the peace in Great Britain. There are more than 20,000 such justices in England and Wales, mostly laymen, and almost all of them serving without pay, and yet by them the vast majority of criminal cases (amounting to about 730,500 in 1912) are disposed of. Moreover, the author says that the system works well; that there are comparatively few cases of substantial injustice under it, and that it has won the admiration of foreign critics.

A most interesting portion of the book is the account of the proceedings at a criminal trial (pp. 105-120). In this, the American lawyer is struck by the greater simplicity of the English procedure as compared with our own, and by the advantages that come through the English rule that enables the judge to express his opinion to the jury on matters of fact as well as of law.

In regard to the jury system, the author says that it works well in England, and the fact that there is a jury is a benefit to the judge in that his duty of summing up the case to them keeps his attention alive during the trial. There seems to be but little difficulty in selecting jurors in criminal cases in England, the difficulty experienced in America on this point being practically unknown, Sir James Fitzjames Stephen being quoted as not remembering more than two occasions in his whole experience where there were any considerable number of challenges.

In cases where insanity is a defence, the defendant may set up the plea "Guilty, but insane." This is not really a plea of guilty, however, it being held that a verdict in accordance with such a plea is an acquittal. *Felstead v. Rex* (1914) A. C. 534. The plea merely admits the commission of the act by the prisoner but not his legal guilt therefor. A verdict in favor of the prisoner under the above plea usually results in his detention by the Crown for life (p. 116), so that the plea is rarely made save in homicide cases.

In the interesting account of the new English Court of Criminal Appeal, one is struck with the comparative rarity of such appeals, only about six per cent. of those convicted appealing in 1912. In murder cases, "out of the twenty-five persons sentenced to death, seven applied

for the leave to appeal and five appealed on grounds involving questions of law. All the appeals were unsuccessful" (p. 129).

The book has been written with great care, and, in spite of the technical nature of the matter with which it deals, it is a work of great interest. The author betrays a pardonable pride in the excellent working of the English criminal courts. One cannot read this book without feeling that this pride is justified and without admitting that the land to which our criminal law owes its origin still affords the best example of its efficient administration.

*Ralph W. Gifford.*

A SELECTION OF CASES UNDER THE INTERSTATE COMMERCE ACT.  
Edited by FELIX FRANKFURTER. Cambridge: HARVARD UNIVERSITY PRESS. 1915. Pp. xi, 706.

We do not have to hark back many years to the time when the law of carriers was taught as merely a subdivision of the law of bailments, which itself constituted but a part of a course on personal property. But at present the curriculum of nearly every law school includes a course on carriers. At first such a course generally includes not only the peculiar law of common carriers, but also the general doctrines of public service applicable alike to many public utility businesses. Now, however, there is a strong tendency to divide this work into two courses, one on the law of public service applicable to all public utilities including common carriers, and the other dealing only with the peculiar doctrines of law applicable to common carriers, and to some extent also to innkeepers. But Professor Frankfurter has gone still further in the division and specialization of courses, and has prepared a case-book of some seven hundred pages to be used for a separate course on the Interstate Commerce Act.

Professor Frankfurter justifies the publication of his case-book on the ground that "the intrinsic importance of the subject, the part it plays, and the greater part it is likely to play, in the work of the modern lawyer, calls for the training of men equipped to participate in its enforcement as lawyers, administrators and judges. In other words, the subject calls for organized, systematic study as one of the most vital branches of the law." The importance of the subject is undeniable, and it is equally true, as the editor states, that "the real scope and meaning of the Act must be sought in a mass of decisions through which there is gradually emerging a body of principles." Still it may be doubted if these facts call for the establishment in our law schools of a separate course on the Interstate Commerce Act. It would seem that many of the questions raised in this collection of cases are already treated in courses on Carriers, Public Service and Constitutional Law, and that much of a course based upon this case-book would, therefore, constitute an unnecessary duplication of work already provided for.

However, the material itself which is gathered together in this volume is very interesting, and will thoroughly repay the reader for a careful perusal, be he teacher, student or practitioner. The cases which are reprinted are very much up to date, having been decided for the most part by the Supreme Court of the United States within the last five years, and are well chosen and edited. The material is arranged to cover the questions of the scope of the commerce regulated by the act, including the kinds of carriers, commerce and services affected thereby; the duties of carriers under the act, and the functions of the Interstate Commerce Commission and of the courts in the